THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No. 23043 of 2007

Dated: 10.12.2007

Between:
M/s. Cherukuri Group, rep. by its Secretary/Director
Mr.CherukuriGopinath.

..Petitioner.

and

The Assistant Provident Fund Commissioner, Barkatpura,
Hyderabad.

..Respondent.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.23043 of 2007

ORDER:

This writ petition is filed for a writ or order or direction more particularly one in the nature of writ of certiorari to call for the records and to quash the proceedings No.AP/38542/Enf-II/T3/2007/1218, dated 28.09.2007 passed by the respondent, and consequently to direct the respondent to entertain the review petition dated 24.09.2007 filed by the petitioner.

2. The matter is coming up for admission. Counter-affidavit is filed.

3. Sri P. Shiv Kumar, learned counsel representing the petitioner would submit that the order of rejection of the review is bad for the reason that as the last day of the period of limitation was a public holiday, on reopening day it was filed and therefore, the review petition was filed within limitation.

4. However, Sri R.N.Reddy, the learned counsel representing the respondent would submit that apart from the said ground, even on merits, it was observed that there are no grounds to interfere with the order dated 03.07.2007. The counsel also would maintain that inasmuch as the petitioner is having a remedy of appeal against the impugned order, let the petitioner approach the competent authority by invoking his remedy by way of appeal.

5. Heard the counsel. Perused the affidavit filed in support of the writ petition and also the contents of the counter-affidavit filed in this regard.

6. It is stated that the petitioner is having an effective alternative remedy of appeal under Section 7-A of the Employee's Provident Fund and Miscellaneous Provisions Act, 1952 and further a specific stand had been taken that the rejection of review was not only on the ground of limitation but also observing the other grounds. Inasmuch as it is stated that the petitioner is having an effective remedy by way of appeal, let the petitioner invoke the remedy of appeal before the appropriate authority within a period of four weeks from the date of receipt of a copy of this order. Till then, status quo as on today to be maintained.

The Writ Petition is disposed of accordingly. No order as to costs.

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P.S.NARAYANA,J

Dated:10.12.2007.

Note:
Issue CC by wire
at party's costs.

(Bo)

sj